THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.5 of 2006

Dated 03-01-2006

Between:

1 AKonu Naik S/o.Bhamla
R/o.Bomdhidi village, Naredigonda Mandal, Adilabad District
2 A.Mothi Bai W/o.A.Bhamal
R/o.Bomdhidi village, naradigonda Mandal Adilabad District

..... PETITIONERS

AND

1 The Regional Transport Officer, Adilabad Adilabad District
2 The Assistant Motor Vehicles Inspector, Enforcement Adilabad, Adilabad District

.....RESPONDENTS

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.5 of 2006

ORDER:

The petitioner's Tractor and Trailor bearing registration Nos.NAE 4850 (Engine number) and AP.1.T4192, respectively, was seized by the 2nd respondent on 24.12.2005 for certain irregularities and infractions pointed out in the vehicle Check Report No.2879418. The seizure was effected under Section 207 of the Motor Vehicles Act, on the ground that the petitioner failed to produce necessary documents, in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 24.12.2005, issued by the 2nd respondent, discloses that the petitioner failed to produce the permit and R.C. etc., of the vehicle. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the vehicle (Tractor and Trailor) bearing registration Nos.NAE 4850 (Engine number) and AP.1.T4192, respectively, shall be released to the petitioner on his depositing a sum of Rs.5,000/- (Rupees Five thousand only).

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle as and when required by the respondents.

L. NARASIMHA REDDY, J.

Dt.03-01-2006

Note: Operative portion by

Wire at party's costs.

(B/O)

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THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 5 of 2006